



New Jersey Department of Children and Families Policy Manual

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PURPOSE AND USE

The Institutional Abuse Investigation Unit (IAIU) uses interviewing techniques, as developed by the Family Life Development Center, Cornell University, when conducting its investigations. The following information is an expansion and refinement of that basic practice.

INSTITUTIONAL ABUSE INVESTIGATION UNIT INTERVIEWING PRACTICES AND TECHNIQUES 10/2008

A. Interviewing Location Considerations

When seeing a child at a facility, the Investigator arranges for a neutral setting. It is wise to remove other stimuli which could distract the child, e.g., other children or distracting items of interest.

Investigators try to be as unobtrusive as possible to minimize a spill-over effect to other children at the facility. They also try to see the child without a staff member present, to minimize any possible intimidation of the child.

If a child is extremely upset and in minimal control of himself/herself, the Investigator, in conjunction with the child's therapist, if available, may decide to see the child at another time or interview the child with a supportive staff member in attendance or stationed outside the door.

In serious situations involving young victims, it is best to interview the child away from the facility, as it may be traumatic for the child to be interviewed on-site. Experience has shown that the child's opinion as well as that of the parents should be central to this decision. It may be possible for initial interviews to be conducted away from the facility, with subsequent interviews conducted at the facility, for clarification of specific details. Once the child has developed a trusting relationship with the Investigator, change of venue may be possible.

The institutional abuse Investigator will observe the setting of the alleged abuse/neglect incident to determine if there was the possibility or opportunity for the incident to occur. The Investigator may want to walk the child through the facility, so he or she can show the Investigator where the incident(s) occurred. If the interview is done away from the facility, the Investigator uses a simple floor plan drawing to enable the child to point out the location(s) where incidents took place.

B. Victim Considerations

When a child victim is in a residential setting, the Investigator should be sensitive to his or her individual history and background, which may make the child particularly vulnerable to abusive situations.

The Investigator also needs to be aware of possible collusion, if there are several victims. In some instances, the Investigator may need to caution the child victim not to talk with others about the incident. The Investigator or teams of Investigators should see all victims during the same day, if at all possible, to decrease the possibility of discussion among the victims.

During interviews, the Investigator needs to focus the child victim on the facts. Victims may embellish the facts, and the Investigator should be alert to that possibility. Even if the description of an event is exaggerated, it may have a basis in truth.

When it appears that a number of children have been involved, it may become necessary to interview all of the other children attending the facility, or in a particular class or program, or in attendance at a specific event. If there are many potential victims, the Investigator(s) should look for a pattern among the identified victims. If a pattern is found, the Investigator should interview those children who have similar characteristics or who follow a routine similar to the identified victims.

C. Joint Interviewing With Law Enforcement

When interviews are held in collaboration with law enforcement, the assigned IAIU Investigator and the law enforcement Investigator decide, prior to the interview, who will be the lead and who will take the notes. Both aspects of the joint interview are important. The note-taker is better able to observe the body language of the interviewee and to identify nuances that might be missed by the interviewer. The interviewer is able to concentrate on the questioning and establishing rapport with the child, without having to write down information.

Prior to a joint interview, both interviewers decide what kinds of information need to be covered for each role. Arrangements are made for sharing of all interview notes.

The institutional abuse Investigator needs to keep his or her own records of all the interviews. These include the date, who was present, and the interview site. Even when an interview is being taped, best practice dictates that the institutional abuse

Investigator notes important facts for his or her own records. This practice assures that the institutional abuse information is preserved in the event of malfunctioning or misplaced cassette or video equipment.

The Investigators gather information about pertinent aspects of the investigation without leading the child.

Investigators may not make promises in exchange for information.

D. Parents and Interviews

If a parent is, or both parents are present during an interview, he, she, or they should sit outside the door to the room or behind the child, to prevent eye contact or coaching. The IA Investigator should advise the parent(s) that he, she, or they must allow the Investigator to conduct the interview. Investigators may share any information learned from the child with the parents, if they are not present during the interview.

During the interview, the Investigator must maintain control at all times. Do not allow the parent(s) to suggest the "proper way" for the child to respond, or to describe the incident for the child.

E. Interviewing Aids

Depending on the child's age and verbal ability, the Investigator may need to use toys, props, or have drawing materials (pad, pencils, paper, crayons, felt tip magic markers) available at the interview site to help the child respond to questioning.

F. Sexual Abuse Investigation Interviews

To alleviate the child's trauma, the Investigator attempts to minimize the number of interviews conducted, especially in sexual abuse cases.

Initially, a child victim may be reluctant to reveal the entire situation, especially if the perpetrator(s) has coerced or threatened him or her. By securing information about the types of threats, the Investigator may help to alleviate the child's fear about disclosure. As the child victim begins to disclose information and appears more comfortable in the interview(s), the Investigator can gain information about the abuse and the identity of the abuser(s) and other victim(s).

If the alleged perpetrator(s) has had frequent access and opportunity to influence the child over a period of time, there is the possibility of progression of sexual abuse, possibly starting with visual stimulation and fondling and moving to oral contact, and then to genital contact. Through questioning, the Investigator may be able to validate this type of progression. Identifying such a sequence lends credibility to the child's allegation.

G. Interviewing the Alleged Perpetrator

The sequence for interviewing the alleged perpetrator may differ, depending on the seriousness and nature of the allegation. Standard unit procedure dictates that the alleged perpetrator should be interviewed after the child victim in order to establish the parameters of the investigation; however, in cases requiring law enforcement intervention, the perpetrator should be the last person interviewed because this interview may culminate in an arrest. In situations where an IAIU Investigator is included in a (criminal) custodial interview, the Investigator must realize that any statements taken are considered under the applicable rules of evidence governed by criminal law, N.J.S.A. 2A:84 A et. seq. In those cases, alleged perpetrators cannot be interviewed until their Miranda rights are provided to them by law enforcement. The IAIU Investigator seeks consent of the County Prosecutor or the Department of Criminal Justice (DCJ) prior to conducting an interview in a custodial setting.

If the Institutional Abuse Investigation Unit Investigator is not to be present during the perpetrator interview at the request of law enforcement, the IAIU Investigator advises law enforcement of the information needed to complete the Institutional Abuse Investigation Unit investigation

The demeanor used for questioning the alleged perpetrator should be the same as for all other persons. In order to conduct an unbiased investigation, there should be no preconceptions regarding the guilt or innocence of the accused; therefore, every individual shall be accorded due respect.

The alleged perpetrator may have a lawyer present during the interview. If the alleged perpetrator wishes someone other than a lawyer present, such as a union representative, a waiver (see [IAIU-I-A-1-1600](#)) must be signed indicating the representative is bound by the confidential nature of the material and cannot divulge the contents of the interview.

H. Interviewing Non-Implicated Staff

It is difficult to elicit information from staff if they feel threatened, especially in a situation where the owner/operator is the alleged perpetrator. Currently, New Jersey law protects persons who report situations which endanger the public.

The Conscientious Employee Protection Act (Chapter 105, 1986) provides legal protection and redress to New Jersey workers who bring to light their employer's illegal or unsafe activities. It also contains specific restrictions on employer retaliation and provides a legal avenue for employees' redress, if retaliation does take place. Also, the Child Abuse Statutes (N.J.S.A. 9:6-8.13) provide for legal remedies, should a person be discriminated against with respect to compensation, hire, tenure, or terms, conditions, or privileges of employment as a result of a report of child abuse (made in good faith).

If a witness refuses to participate in an interview, or a conspiracy of silence exists among a facility's staff, the Investigator requests that the Administrator note in the employee's file that he or she was not cooperative with the investigating authority. If there is a willful obstruction of justice, the Institutional Abuse Investigation Unit may seek a court order for investigation under N.J.S.A. 30:4C-12. See [CP&P-I-A-1-100](#).